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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TAYLOR SOMMER, individually;
TAYLOR SOMMER, as the Administrator of
the ESTATE OF REINER SHAWN
SOMMER, deceased,

Plaintiff,

vs.

CITY OF LAS VEGAS, NEVADA a political
subdivision of the State of Nevada; LAS
VEGAS METROPOLITAN POLICE
DEPARTMENT, a political subdivision of
the State of Nevada; KEVIN MCMAHILL,
individually and as a policy maker and Sheriff
of LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; SERGEANT GERALD
BAGAPORO, individually and in his official
capacity; SERGEANT JEFFREY BLUM,
individually and in his official capacity;
OFFICER ANDREW GARCIA, individually
and in his official capacity; OFFICER
JOSEPH ORTEGA, individually and in his
official capacity; DOE LAS VEGAS
METROPOLITAN POLICE DEPARTMENT
SUPERVISORS I through X, inclusive and
ROE LAS VEGAS METROPOLITAN
POLICE DEPARTMENT OFFICERS XII
through XX, inclusive,

Defendants.

Case Number:

2:23-cv-01682-GMN-NJK

**STIPULATION AND ORDER TO
EXTEND DISPOSITIVE MOTION
DEADLINE (FIRST REQUEST)**

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Plaintiff Taylor Sommer, individually and as the Administrator of the Estate of Reiner Shawn Sommer, deceased (“Plaintiffs”), and Defendants Las Vegas Metropolitan Police Department (“LVMPD”), Sheriff Kevin McMahon, Sgt. Bagaporo, Sgt. Blum, Ofc. Garcia and Ofc. Ortega (“LVMPD Defendants”), by and through the undersigned counsel, and hereby present this stipulation pursuant to LR 26-3, requesting the court extend the deadline for the parties to file their dispositive motions. This is the parties’ first request for an extension of the dispositive motion deadline.

I. DISCOVERY COMPLETED

Discovery in this case currently closes on October 7, 2024 (ECF 24 at p.6.)

II. DISCOVERY THAT REMAINS TO BE COMPLETED

On September 29, 2024, this Court issued its Order on the LVMPD Defendants Motion for Partial Dismissal. (ECF No. 25.) The Order granted the defendants’ motion, but with leave to amend within 21-days. (*Id.*) The Order dismissed the Plaintiffs’ claims against current sheriff Kevin McMahon but granted leave to amend to add former Sheriff Joe Lombardo. The Court specifically declined to rule on the claims against the former Sheriff pending the filing of the amended complaint.

On September 29, 2024, the parties met and conferred on whether plaintiff intends to file an amended complaint and whether additional discovery would be required. Plaintiff intends to amend her complaint. The parties believe that the majority of discovery impacted by the amendments has been completed. However, the parties will further evaluate the need for additional discovery once the amended complaint is filed. If the parties determine that additional discovery is necessary they will submit an appropriate motion or stipulation at that time.

III. REASONS WHY DISCOVERY HAS NOT BEEN COMPLETED

The parties have worked diligently during discovery. The parties have engaged in several rounds of written discovery, taken 17 depositions, and identified all expert and rebuttal expert reports. Although the parties believe that all discovery-related matters have been

completed or otherwise agreed upon, the parties are not in a position to know for certain what more may be required until the amended complaint is filed.

The amended complaint is not currently due until shortly prior to the current dispositive motion deadline. It is not feasible for the parties to draft dispositive motions prior to the time that the pleadings are in their final form. Although the parties do not currently expect additional discovery to be necessary as a result of the amended complaint, they simply are not yet in a position to know this for certain.

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY

1. Dispositive motions: November 4, 2024 to January 10, 2025.

2. Joint Pretrial Order will be due 30 days after the resolution of dispositive motions.

The parties reiterate this request is not due to lack of diligence or failure to plan. Rather, The Court only recently granted the Plaintiff leave to amend. The parties will be much better prepared to prepare and file dispositive motions after the amended complaint and responsive pleading related thereto are filed. In addition, the parties will be better able to evaluation the potential need for any additional discovery. If it becomes apparent that additional discovery is necessary, the parties will file an appropriate motion or stipulation. For the time being, the parties simply request that the dispositive motion deadline be extended.

Dated this 2nd day of October, 2024.

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Sommer, et al. v. LVMPD, et al.
Case Number: 2:23-cv-01682-GMN-NJK

ORDER

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: October 2, 2024

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